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Attorney for Defendant
SHI GUANG GUAN

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
SAN FRANCISCO DIVISION

UNITED STATES OF AMERICA,)	CR-08-0238 MHP
Plaintiff,)	STIPULATION AND PROPOSED ORDER
vs.)	<u>CONTINUING SENTENCING DATE</u>
PETER HE, et al.,)	
Defendants.)	

Plaintiff UNITED STATES OF AMERICA, by and through Assistant United States Attorney ("AUSA") Owen P. Martikan, and defendant SHI GUANG GUAN, by and through his counsel, Peter Goodman, hereby stipulate and agree as follows:

1. On December 9, 2009, defendant GUAN was found guilty of the three charges in the indictment, one of which was a violation of 18 U.S.C. §1028A which requires the imposition of a two year prison term consecutive to any other sentence imposed after conviction. The matter was continued for sentencing to March 15, 2010, at 9:00 a.m. United States Probation Officer ("USPO") Insa Bel'Ochi was assigned to prepare the Presentence Report ("PSR").

2. On February 23, 2010, the parties filed a stipulation asking this Court to continue the sentencing date to April 12, 2010, in order to provide USPO Bel'Ochi with additional time to gather information relative to the amount of the loss attributable to

1 defendant GUAN. The request was granted on February 24, 2010.

2 3. On April 12, 2010, the parties filed a stipulation requesting a further
3 continuance of the sentencing date to June 7, 2010, in order to give USPO Bel'Ochi
4 additional time to prepare the PSR. That request was granted on April 14, 2010.

5 4. On May 5, 2010, USPO Bel'Ochi disclosed to the parties her 35 day
6 Proposed Presentence Report pursuant to Criminal Local Rule 32. In that report, she
7 recommends that defendant GUAN be held responsible for a gross intended loss of
8 \$701,124.55, which is said to be the total amount of the fraudulent charges made by
9 all five defendants charged in the initial indictment in this case. If the loss amount is
10 set at \$701,124.55 for guidelines purposes, it will add a total of 14 points to defendant
11 GUAN's offense level. The defendant intends to challenge the recommended loss
12 amount but to do so his counsel must review a significant number of documents
13 detailing all of the fraudulent charges used to calculate that total.

14 5. Defense counsel is presently in the process of preparing a presentation
15 urging the government not to authorize the death penalty for his client in *United States*
16 *v. Cerna*, No. CR-08-730 WHA and is hopeful that he can submit that presentation by
17 the beginning of June. In order to complete his work on that presentation, defense
18 has requested and AUSA Martikan and USPO Bel'Ochi have agreed to continue the
19 sentencing in this matter to July 12, 2010.

20 SO STIPULATED

21 DATED: May 10, 2010

22
23 /s/

24 OWEN P. MARTIKAN
Assistant United States Attorney

25 DATED: May 10, 2010

26
27 /s/

28 PETER GOODMAN
Attorney for Defendant
SHI GUANG GUAN

ORDER CONTINUING SENTENCING DATE

GOOD CAUSE APPEARING from the stipulation of the parties, IT IS HEREBY ORDERED that the sentencing hearing in this matter be continued from June 7, 2010, at 9:00 a.m. to July 12, 2010, at 9:00 a.m.

DATED: 5/11/2010

MARILYN HALL PATEL
United States District Judge

